

### **REMARKS**

Claims 1-28 have been cancelled in view of the Examiner's indication that claim 29 is allowed. (May 5, 2005 Final Office Action at pages 7 and 9. The cancellation of claims 1-28 is without prejudice and the applicants reserve their right to re-introduce the subject matter of claims 1-28 in an application claiming priority to the instant application. Claims 30-38 have been added.

Support for the added claims can be found throughout the specification at, for example, previously presented claims 4 to 12.

It is submitted that no new matter has been introduced by the foregoing amendment. Approval and entry of the amendments is respectfully solicited.

#### **Indefiniteness Rejection**

Claim 2 was rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. (May 5, 2005 Final Office Action at 3.)

For the reasons set forth below, the rejection is respectfully traversed.

Claim 2 has been cancelled. Because claim 2 is no longer pending in the captioned application, it is believed that the instant ground of rejection is moot. Therefore, the rejection should be withdrawn.

#### **Obviousness Rejection**

Claims 1-2, 4-5, 7-14, 16-17, and 19-26 were rejected under 35 USC §103(a) as being unpatentable over Kitsusho Yakuhin Kogyo KK (JP 398241) ("Kitsusho") in view of Tobyn et al, (International Journal of Pharmaceutics 169 (1998) 183-194) ("Tobyn") and further in view of Stevens (US 5,679,376) ("Stevens") (May 5, 2005 Final Office Action at 4.)

Claims 1-2, 4-5, 7-14, 16-17, and 19-26 have been cancelled. Because claims 1-2, 4-5, 7-14, 16-17, and 19-26 are no longer pending in the captioned application, it is believed that the instant ground of rejection is moot. Therefore, the rejection should be withdrawn.

Accordingly, for the reasons set forth above, entry of the amendments, withdrawal of the rejections, and allowance of the claims is respectfully requested. If the Examiner has any questions regarding this paper, please contact the undersigned.

Respectfully submitted,

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